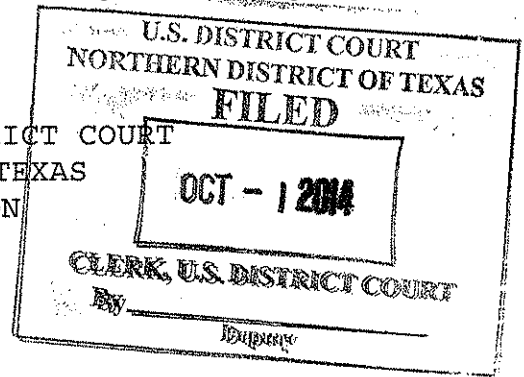


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



JOSE PLASCENCIA,

Plaintiff,

VS.

STATE FARM LLOYDS,

Defendant.

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NO. 4:14-CV-524-A

ORDER

Now that court has denied plaintiff's motion to remand by order signed September 25, 2014, the court concludes that plaintiff should file an amended complaint that complies with the requirements of Rule 8(a), Rule 10, and, if applicable, Rule 9, of the Federal Rules of Civil Procedure, and with the Local Civil Rules of the United States District Court for the Northern District of Texas.

The filing of an amended complaint is not a trivial matter. Rule 81(c) of the Federal Rules of Civil Procedure provides that "repleading is unnecessary unless the court orders it." However, the rules of pleading differ from Texas state court to federal court. "Texas follows a 'fair notice' standard for pleading, which looks to whether the opposing party can ascertain from the pleading the nature and basic issues of the controversy and what testimony will be relevant." Horizon/CMS Healthcare Corp. v.

Auld, 34 S.W.3d 887, 896 (Tex. 2000). Federal courts, however, require that a complaint contain sufficient facts to show that a plaintiff's right to relief is plausible. Ashcroft v. Iqbal, 556 U.S. 662 (2009). Further, the court does not accept conclusory allegations or speculative deductions as true. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Finally, Rule 9 of the Federal Rules of Civil Procedure imposes additional pleading requirements on a party alleging fraud or mistake. Thus, the court finds it beneficial to the adjudication of the case to have plaintiff in this removed action replead consistent with the Federal Rules of Civil Procedure.

Therefore,

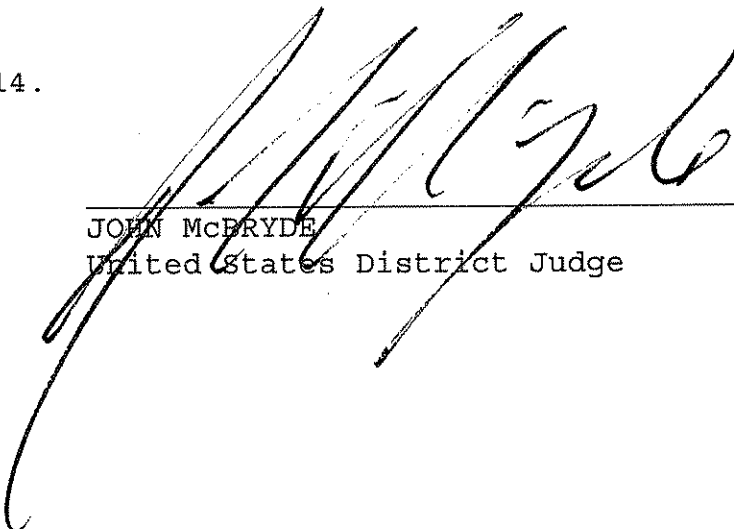
The court ORDERS that plaintiff, by 2:00 p.m. October 15, 2014, (1) file an amended complaint that complies with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Northern District of Texas, and (2) serve the amended complaint on defendant.

The court further ORDERS that, by 2:00 p.m. October 30, 2014, defendant file an answer, or otherwise respond, to the amended complaint.

The court further ORDERS that failure of any party to comply with the terms of this order may result in the imposition of

sanctions, including dismissal of the action or default judgment, without further notice.

SIGNED October 1, 2014.



JOHN McBRYDE
United States District Judge